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## Minutes of MAYOR AND COUNCIL Meeting

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Approved by Mayor and Council  
on June 28, 2005

Date of Meeting: May 24, 2005

The Mayor and Council of the City of Tucson met in regular session in the Mayor and Council Chambers in City Hall, 255 West Alameda Street, Tucson, Arizona, at 5:32 p.m. on Tuesday, May 24, 2005, all members having been notified of the time and place thereof.

### 1. **ROLL CALL**

The meeting was called to order by Mayor Walkup and upon roll call, those present and absent were:

Present:

José J. Ibarra	Council Member Ward 1
Carol W. West	Council Member Ward 2
Kathleen Dunbar	Vice Mayor, Council Member Ward 3
Steve Leal	Council Member Ward 5
Fred Ronstadt	Council Member Ward 6
Robert E. Walkup	Mayor

Absent/Excused:

Shirley C. Scott	Council Member Ward 4
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Staff Members Present:

Mike Hein	City Manager
Michael Rankin	City Attorney
Kathleen S. Detrick	City Clerk
Michael D. Letcher	Deputy City Manager

## **2. INVOCATION AND PLEDGE OF ALLEGIANCE**

The invocation was given by Reverend Phillip S. Kruis, Rincon Mountain Presbyterian Church, after which the pledge of allegiance was led by Alec Ronstadt.

Presentation:

- a. Presentation of awards from Arizona Department of Commerce to local businesses for job training programs. Workforce grants were awarded to Ridgetop Group, Mountain Power, Geico, and EOS Technologies.

## **3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS**

Mayor Walkup announced City Manager's communication number 261, dated May 24, 2005, would be received into and made a part of the record. He also announced this was the time scheduled to allow members of the Council to report on current events and asked if there were any reports.

There were no reports.

## **4. CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS**

Mayor Walkup announced City Manager's communication number 262, dated May 24, 2005, would be received into and made a part of the record. He also announced this was the time scheduled to allow the City Manager to report on current events, and asked for that report.

Mike Hein, City Manager, reported:

- a. May 24, 2005, marked the first anniversary of the Platinum Challenge. A recent article by Andy Clarke, Executive Director of the League of American Bicyclists, entitled "TUCSON: Meeting the Platinum Bicycle Friendly Community (BFC) by 2006" was distributed.
- b. The Tucson Police Department, working in conjunction with seventy law enforcement agencies throughout the state, participated in the national "Click it or Ticket" enforcement campaign. The campaign focus was to increase seat belt and child safety/booster seat usage. The Tucson Police campaign began on May 23, 2005 and would end Sunday, June 5, 2005.

## **5. LIQUOR LICENSE APPLICATIONS**

Mayor Walkup announced City Manager's communication number 260, dated May 24, 2005, would be received into and made a part of the record. He asked the City Clerk to read the Liquor License Agenda.

b. New Licenses

1. Old World Foods, Ward 2  
6616 E. Grant Road  
Applicant: Phillip George Ferranti  
Series 10, City 27-05  
Action must be taken by: June 2, 2005  
Staff has indicated the applicant is in compliance with city requirements.
2. The Irish Pub, Ward 2  
9155 E. Tanque Verde, #177  
Applicant: Billy Joe Chancey  
Series 12, City 31-05  
Action must be taken by: June 10, 2005  
Staff has indicated the applicant is in compliance with city requirements.
3. Wei Asian Café, Ward 4  
9450 E. Golf Links Road  
Applicant: Vi Dang  
Series 12, City 32-05  
Action must be taken by: June 13, 2005  
Staff has indicated the applicant is in compliance with city requirements.

c. Special Events

1. Our Mother of Sorrows Parish, Ward 4  
1800 S. Kolb Road  
Applicant: Thomas McGuire  
City T44-05  
Date of Event: June 3-5, 2005  
Annual Fundraiser  
Public Opinion: Protest Filed  
Staff has indicated the applicant is in compliance with city requirements.  
Considered separately.
2. Southern Arizona Association for the Visually Impaired (SAAVI), Ward 3  
3767 E. Grant Road  
Applicant: David J. Boyer  
City T46-05  
Date of Event: June 3, 2005  
Fundraising  
Staff has indicated the applicant is in compliance with city requirements.

It was moved by Council Member Ibarra, duly seconded, and carried by a voice vote of 6 to 0 (Council Member Scott absent/excused) to forward liquor license applications 5b1 through 5b3, and 5c2 to the Arizona State Liquor Board with a recommendation for approval.

## 5. LIQUOR LICENSE APPLICATIONS

### c. Special Event

1. Our Mother of Sorrows Parish, Ward 4  
1800 S. Kolb Road  
Applicant: Thomas McGuire  
City T44-05  
Date of Event: June 3-5, 2005  
Annual Fundraiser  
Public Opinion: Protest Filed  
Staff has indicated the applicant is in compliance with city requirements.

Kathleen S. Detrick, City Clerk, announced Item 5c1, Our Mother of Sorrows Parish, was to be considered separately. It had one protest filed and is located in Ward 4.

Council Member West asked if Mr. Chiassoon, the protestor, was present. He was not. She also asked if anyone from Our Mother of Sorrows was present.

Don Wall, Parish Council Member for Our Mother of Sorrows, said he was representing the applicant.

Council Member West commented she did not have the letter in front of her and Council Member Scott was ill. She was not sure what the protest was about and asked Mr. Wall if he could tell the Council a bit about the annual fundraiser scheduled for June 3 through June 5, 2005.

Mr. Wall explained this was their twenty seventh year. The event would run from 5:00 p.m. to 10:00 p.m. They had received a special events permit every year. He commented that he had read the protest letter also. The letter indicated there would be more problems with parking and the protestor also thought it would lead to alcohol abuse and possible drunk-driving situations. He assured the Council they would take steps to make sure that would not happen.

Mr. Wall confirmed Council Member West's question that they had adequate parking on the site.

It was moved by Council Member West, duly seconded, and carried by a voice vote of 6 to 0 (Council Member Scott absent/excused) to forward liquor license application 5c1 to the Arizona State Liquor Board with a recommendation for approval.

**6. CONSENT AGENDA – ITEMS A THROUGH K**

Mayor Walkup announced the reports and recommendations from the City Manager on the Consent Agenda Items would be received into and made a part of the record. He asked the City Clerk to read the Consent Agenda.

**A. FINANCE: SALE OF GENERAL OBLIGATION BONDS, SERIES 2000-E (2005)**

1. Report from City Manager MAY24-05-264 CITY-WIDE
2. Ordinance No. 10143 an ordinance relating to Finance; authorizing the issuance and sale of City of Tucson, Arizona, General Obligation Bonds, Series 2000-E (2005), in the principal amount of \$25,815,000; providing for the sale thereof and the levy and collection of ad valorem taxes for the payment of the principal of and interest on the Bonds; providing certain terms, covenants and conditions relating to the Bonds; appointing a Bond Registrar, Transfer Agent and Paying Agent; authorizing the preparation and delivery of an Official Statement with respect to the Bonds; ordering the sale of the Bonds; authorizing the execution and delivery of a Continuing Disclosure Undertaking with respect to the Bonds; ratifying certain acts heretofore taken by City officials; and declaring an emergency.

**B. APPROVAL OF MINUTES**

1. Report from City Manager MAY24-05-259 CITY-WIDE
2. Approval of minutes for the regular meeting of the Mayor and Council held on April 26, 2005.

**C. SURPLUS PROPERTY: DONATION OF TRASH CONTAINERS TO THE CITY OF AGUA PRIETA, SONORA, MEXICO**

1. Report from City Manager MAY24-05-269 OUTSIDE CITY  
Item C was considered separately at the request of Council Member Leal.

**D. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH PIMA COUNTY SUPERIOR COURT FOR PROVIDING JURORS TO TUCSON CITY COURT**

1. Report from City Manager MAY24-05-267 CITY-WIDE
2. Resolution No. 20079 relating to Intergovernmental Agreements; approving and authorizing execution of an Amendment to the Intergovernmental Agreement with Pima County Superior Court for providing jurors to Tucson City Court; and declaring an emergency.

- E. ASSURANCE AGREEMENT: (S04-010) CORAZON DEL PUEBLO SUBDIVISION (RCP), LOTS 1 TO 393 AND COMMON AREAS “A-100 TO 118”, “B-1 TO 58”, “C-119 TO 126”, AND “D-127 TO 148”
1. Report from City Manager MAY24-05-268 WARD 5
  2. Resolution No. 20080 relating to Planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements required in connection with the approval in case No. S04-010 of a Final Plat for the Corazon del Pueblo Subdivision, Lots 1 to 393 and Common Areas “A-100—118”, “B-1—58”, C-119—126” and “D-127—148”; and declaring an emergency.
- F. FINAL PLAT: (S04-010) CORAZON DEL PUEBLO SUBDIVISION (RCP), LOTS 1 TO 393 AND COMMON AREAS “A-100 TO 118”, “B-1 TO 58”, “C-119 TO 126”, AND “D-127 TO 148”
1. Report from City Manager MAY24-05-266 WARD 5
  2. The City Manager recommends that, after approval of the assurance agreement, the Mayor and Council approve the Final Plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.
- G. REAL PROPERTY: CONVEYANCE OF MCKINLEY AVENUE RIGHT-OF-WAY TO HABITAT FOR HUMANITY
1. Report from City Manager MAY24-05-270 WARD 5
  2. Ordinance No. 10154 relating to Real Property; vacating and declaring a portion of McKinley Avenue right of way to be surplus property, and authorizing the no cost conveyance thereof to Habitat For Humanity; and declaring an emergency.
- H. FINANCE: SALE OF WATER SYSTEM REVENUE BONDS, SERIES 2005-A
1. Report from City Manager MAY24-05-271 CITY-WIDE
  2. Ordinance No. 10145 an ordinance relating to Finance; authorizing the issuance and sale of City of Tucson, Arizona, Water System Revenue Bonds, Series 2005-A (2005), in a principal amount not to exceed \$31,665,000; providing for the payment of principal and interest thereon; providing certain terms, covenants and conditions relating to the Series 2005 Bonds; appointing a Bond Registrar, Transfer Agent and Paying Agent for the Series 2005 Bonds; authorizing the preparation and delivery of an Official Statement with respect to the Series 2005 Bonds; Ordering

the sale of the Series 2005 Bonds; authorizing the execution and delivery of a Continuing Disclosure Undertaking with respect to the Series 2005 Bonds; and declaring an emergency.

Kathleen S. Detrick, City Clerk, explained that earlier at the Study Session meeting this item was removed from the Consent Agenda and would be discussed after Item 8, the Canvass and Declaration of the May 17, 2005 election.

I. FINANCE: SALE OF SENIOR LIEN STREET AND HIGHWAY USER REVENUE BONDS, SERIES 2000-D (2005)

1. Report from City Manager MAY24-05-265 CITY-WIDE
2. Ordinance No. 10144 an ordinance relating to Finance; authorizing the issuance and sale of City of Tucson, Arizona, Senior Lien Street and Highway User Revenue Bonds, Series 2000-D (2005), in the principal amount of \$6,000,000; providing for the payment of principal and interest thereon; providing certain terms, covenants and conditions relating to the Series 2005 Bonds; appointing a Bond Registrar, Transfer Agent and Paying Agent; authorizing the preparation and delivery of an Official Statement with respect to the Series 2005 Bonds; Ordering the sale of the Series 2005 Bonds; authorizing the execution and delivery of a Continuing Disclosure Undertaking with respect to the Series 2005 Bonds; and declaring an emergency.

J. CITY COURT: AMENDMENT TO CHAPTER 8 OF THE TUCSON CODE, APPOINTING JUSTICES OF THE PEACE AS CITY SPECIAL MAGISTRATES FOR ARRAIGNMENTS AND INITIAL APPEARANCES

1. Report from City Manager MAY24-05-272 CITY-WIDE
2. Ordinance No. 10155 relating to City Court; amending the Tucson Code, Chapter 8, City Court, Article 1, In General, Section 8-2.5; Justices of the Peace, Weekend Arraignments and Initial Appearances; and declaring an emergency.

K. FINAL PLAT: (S04-027) CIVANO NEIGHBORHOOD CENTER, UNITS 1 TO 5 AND COMMON ELEMENTS A TO B AND LIMITED COMMON ELEMENTS C TO K

1. Report from City Manager MAY24-05-275 WARD 4

2. The City Manager recommends that the Mayor and Council approve the Final Plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.

It was moved by Council Member West, duly seconded, that Consent Agenda Items A through K, with the exception of Items C and H which would be considered separately, be passed and adopted and the proper action taken.

Mayor Walkup asked if there was any discussion. Upon hearing none, he called for a roll call vote on the motion.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Leal, and Ronstadt;  
Vice Mayor Dunbar and Mayor Walkup

Nay: None

Absent/Excused: Council Member Scott

Consent Agenda Items A through K, with the exception of Items C and H, were declared passed and adopted by a roll call vote of 6 to 0.

C. SURPLUS PROPERTY: DONATION OF TRASH CONTAINERS TO THE CITY OF AGUA PRIETA, SONORA, MEXICO

1. Report from City Manager MAY24-05-269 OUTSIDE CITY

Council Member Leal felt it was important to deal with Item C separately. He said the project spoke about a positive partnership between the City of Tucson and Agua Prieta.

At the request of Council Member Leal, Joan Lionetti, Executive Director of Tucson Clean and Beautiful, gave a brief presentation regarding the project.

It was moved by Council Member Leal, duly seconded, that Consent Agenda Item C be passed and adopted and the proper action taken.

Mayor Walkup asked if there was any discussion. Upon hearing none, he called for a roll call vote on the motion.



Upon roll call, the results were:

Aye: Council Member Ibarra, West, Leal, and Ronstadt;  
Vice Mayor Dunbar and Mayor Walkup.

Nay: None

Absent/Excused Council Member Scott

Consent Agenda Item C was declared passed and adopted by a roll call vote of 6 to 0.

## **7. CALL TO THE AUDIENCE**

Mayor Walkup announced this was the time any member of the public was allowed to address the Mayor and Council on any issue except items scheduled for a public hearing. He also announced the Call to the Audience was scheduled to last for fifteen minutes. Speakers would be limited to three-minute presentations. He asked if there was anyone in the audience wishing to address the Council.

- a. Michael Toney spoke on a concert at the Rialto Theater, University of Arizona Science Center, contract discussions, and wildlife.
- b. Mary Cante, representing Tucson Unified School District Television, thanked the Mayor and Council for their cooperation in the past.
- c. David Charles, a student at St. Cyril's school, read and submitted his report on bio-reactors and landfill remediation.
- d. Jerry D'Paco spoke in opposition on the aluminum two-story Family Dollar business in his neighborhood.
- e. Ronald Manzi urged the Mayor and Council to continue their funding of Access Tucson.

## **8. ELECTIONS: CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE BOND ELECTION HELD MAY 17, 2005**

Mayor Walkup announced City Manager's communication number 274, dated May 24, 2005, would be received into and made a part of the record. He asked the City Clerk to read Resolution 20082 by number and title only.

Resolution No. 20082 relating to elections; declaring the result of and adopting a certificate of result of the Bond Special Election held on May 17, 2005; ordering the recording of such certificate; and declaring an emergency.

It was moved by Council Member Leal, duly seconded, to pass and adopt Resolution 20082.

Mayor Walkup asked if there was any discussion. Upon hearing none, he called for a roll call vote on the motion.

Upon roll call, the results were:

Aye: Council Member Ibarra, West, Leal, and Ronstadt;  
Vice Mayor Dunbar and Mayor Walkup.

Nay: None

Absent/Excused Council Member Scott

Resolution 20082 was declared passed and adopted by a roll call vote of 6 to 0.

## **6. CONSENT AGENDA – ITEM H**

(Note: Consent Agenda Item H was taken out of order.)

### **H. FINANCE: SALE OF WATER SYSTEM REVENUE BONDS, SERIES 2005-A**

1. Report from City Manager MAY24-05-271 CITY-WIDE
2. Ordinance No. 10145 an ordinance relating to Finance; authorizing the issuance and sale of City of Tucson, Arizona, Water System Revenue Bonds, Series 2005-A (2005), in a principal amount not to exceed \$31,665,000; providing for the payment of principal and interest thereon; providing certain terms, covenants and conditions relating to the Series 2005 Bonds; appointing a Bond Registrar, Transfer Agent and Paying Agent for the Series 2005 Bonds; authorizing the preparation and delivery of an Official Statement with respect to the Series 2005 Bonds; Ordering the sale of the Series 2005 Bonds; authorizing the execution and delivery of a Continuing Disclosure Undertaking with respect to the Series 2005 Bonds; and declaring an emergency.

It was moved by Council Member West, duly seconded, that Consent Agenda Item H be passed and adopted and the proper action taken.

Mayor Walkup asked if there was any discussion. Upon hearing none, he called for a roll call vote on the motion.

Upon roll call, the results were:

Aye: Council Member Ibarra, West, Leal, and Ronstadt;  
Vice Mayor Dunbar and Mayor Walkup.

Nay: None

Absent/Excused Council Member Scott

Ordinance 10145 was declared passed and adopted by a roll call vote of 6 to 0.

**9. BOARDS, COMMITTEES AND COMMISSIONS: APPOINTMENT TO THE CIVIL SERVICE COMMISSION**

Mayor Walkup announced City Manager's communication number 273, dated May 24, 2005, would be received into and made a part of the record. He asked the City Clerk to read Resolution 20081 by number and title only.

Resolution No. 20081 relating to the Civil Service Commission; appointing a Commissioner; fixing annual compensation; and declaring an emergency.

It was moved by Council Member West, duly seconded, that Resolution 20081, appointing Arnold Elias to the Civil Service Commission, be passed and adopted and the proper action taken.

Mayor Walkup asked if there was any discussion. Upon hearing none, he called for a roll call vote on the motion.

Upon roll call, the results were:

Aye: Council Members West, Leal, and Ronstadt;  
Vice Mayor Dunbar and Mayor Walkup.

Nay: Council Member Ibarra

Absent/Excused Council Member Scott

Resolution 20081 appointing Arnold Elias to the Civil Service Commission was declared passed and adopted by a roll call vote of 5 to 1.

Mayor Walkup called for a separate vote for the sole purpose of the emergency clause.

Upon roll call, the results were:

Aye: Council Member Ibarra, West, Leal, Ronstadt;  
Vice Mayor Dunbar and Mayor Walkup.

Nay: None

Absent/Excused Council Member Scott

Resolution 20081 was declared passed and adopted by a roll call vote of 6 to 0, with the emergency clause.

#### **10. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS**

Mayor Walkup announced City Manager's communication number 263, dated May 24, 2005, would be received into and made a part of the record. He asked the City Clerk to explain the procedures for the appointments and for a motion to approve the appointments in the report.

Kathleen S. Detrick, City Clerk, stated the first motion needed would be by the entire Mayor and Council, which was a reappointment to the Small Business Commission of Joanna Dinan.

It was moved by Vice Mayor Dunbar, duly seconded, and carried by a voice vote of 6 to 0, (Council Member Scott absent/excused), to approve the reappointment of Joanna Dinan to the Small Business Commission.

Ms. Detrick announced the next two motions related to appointments to the City Magistrate Merit Selection Commission. On that particular Commission, the five non-attorney members were appointed by the Mayor and Council. Three of those members were selected by members of Mayor and Council who represented the political party in the majority, the Democrats. Two members were selected by members of Mayor and Council who represented the political party in the minority, the Republicans. The reappointment of Helen Mautner to the City Magistrate Merit Selection Commission and the appointment of Freda Johnson to the City Magistrate Merit Selection Commission would be considered first. Ms. Detrick said the reappointments and the appointment was to be made only by those Council Members who were members of the Democratic Party.

Council Member West asked if they had to appoint and reappoint separately or if they could make the appointments in one motion.

Ms. Detrick replied it could be one motion.

It was moved by Council Member West, duly seconded, and carried by a voice vote of 3 to 0 (Council Members Ibarra, West, and Leal all members of the Democratic party. Council Member Scott absent/excused) to reappoint Helen Mautner and appoint Freda Johnson to the City Magistrate Merit Selection Commission.

Ms. Detrick announced the final appointment was the reappointment of Richard Dunbar to the City Magistrate Merit Selection Commission and the appointment was to be made by the members of the Council who were affiliated with the Republican Party.

It was moved by Vice Mayor Dunbar, duly seconded, and carried by a voice vote of 3 to 0 (Council Member Ronstadt, Vice Mayor Dunbar, and Mayor Walkup all members of the Republican Party) to reappoint Richard Dunbar to the City Magistrate Merit Selection Commission.

Mayor Walkup asked if there were any personal appointments to be made.

Council Member Leal appointed Bruce Cole to the Tucson Commission on Gay, Lesbian, Bisexual and Transgender Issues.

**11. ADJOURNMENT 6:28 p.m.**

Mayor Walkup announced the Council would stand adjourned until its next regularly scheduled meeting to be held on Tuesday, June 7, 2005, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.

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MAYOR

ATTEST:

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CITY CLERK

**CERTIFICATE OF AUTHENTICITY**

I, the undersigned, have read the foregoing transcript of the meeting of the Mayor and Council of the City of Tucson, Arizona, held on the 24<sup>th</sup> day of May 2005, and do hereby certify that it is an accurate transcription.

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DEPUTY CITY CLERK

KSD:ds/sac